

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH BIERMAN-RUZ,

Defendant.

**Case No.: 3:18CR20-2
(GROH)**

**ORDER FINDING PROBABLE CAUSE TO HOLD A FINAL
REVOCATION HEARING BEFORE THE DISTRICT JUDGE
AND DETAINING DEFENDANT UNTIL THE FINAL HEARING**

On January 19, 2024, Defendant filed a waiver [ECF No. 304] of preliminary hearing and a waiver [ECF No. 305] of detention hearing. As a result, the preliminary revocation and detention hearings previously scheduled for **January 19, 2024 are CANCELLED.**

On January 22, 2019, Defendant started serving his original sentence, which was 5 years of probation. On January 8, 2024, the Probation Office filed a petition with the Court recommending action based upon alleged violations of Defendant's supervised release. On January 17, 2024, the Court held an initial appearance and set a preliminary revocation hearing and detention hearing in this matter. Prior to these scheduled hearings, Defense Counsel filed written waivers of the preliminary revocation hearing and the detention hearing with the Clerk of the Court.

Based on the written waiver of preliminary hearing, the Court **FINDS** Defendant knowingly and intelligently waived the right to a preliminary hearing after consultation with

counsel. Therefore, the Court further **FINDS** that pursuant to Rule 32.1, there is probable cause that Defendant violated the conditions of supervised release as outlined in the petition and this matter shall be set before Chief District Judge Groh for a Final Revocation Hearing.

Based on the written waiver of detention hearing, the Court **FINDS** Defendant knowingly and intelligently waived the right to a detention hearing after consultation with counsel. Accordingly, the Court **FINDS** that Defendant has not met his burden of establishing that he is not a flight risk or that he will not pose a danger to any other person or to the community at this time.

Accordingly it is hereby,

ORDERED that a **Final Revocation Hearing** shall be held in this matter on February 15, 2024 **at 1:30 p.m.**, before the Honorable Gina M. Groh, United States District Judge. It is further,

ORDERED that Defendant be **REMANDED to the custody of the U.S. Marshal Service** until such hearing.

The Court directs the Clerk of the Court to provide a copy of this Order to any parties who appear *pro se* and all counsel of record, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: 1-19-2024



ROBERT W. TRUMBLE
UNITED STATES MAGISTRATE JUDGE